

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

**PREPARED BY:** David Abramson, Deputy Planning and Zoning Manager

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** 2

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "MJB/DAVIE I," AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-09, MJB/Davie I, 8151 Stirling Road)

**REPORT IN BRIEF:** The petitioner (Pillar Consultants, Inc.) requests approval to amend the recorded restrictive note on the plat known as "MJB/DAVIE I." Previously, Town Council approved a delegation request amending this recorded plat note on same property. However, the petitioner states in the attached justification letter that subsequent to this amendment, church leaders have approved an architectural program which exceeds the approved note as found in resolution R-2009-10. [Please refer to the table below for a summary of this proposed amendment] Staff finds that the request is consistent with the existing zoning and proposed uses on the subject property.

	<b>Commercial</b>	<b>Church</b>	<b>Daycare/Preschool</b>	<b>Private School</b>	<b>Ancillary Parking Garage</b>	<b>Covered Outdoor Play Area</b>	
<b>Recorded Note</b>	90,000 sq. ft.	-	-	-	-	-	-
<b>Previously Approved Note (R-2009-10)</b>	-	45,000 sq. ft.	15,000 sq. ft.	30,000 sq. ft.	165,000 sq. ft.	-	Daycare /preschool uses and private school uses are not permitted with the church use.
<b>Proposed Note</b>	-	51,000 sq. ft.	30,000 sq. ft.	61,000 sq. ft.	200,000 sq. ft.	10,000 sq. ft.	Daycare /preschool uses and private school uses are not permitted with the church use.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve resolution

**Attachment(s):** Resolution, Exhibits

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A DELEGATION REQUEST TO CHANGE THE  
RESTRICTIVE NOTE ON THE PLAT KNOWN AS “MJB/DAVIE I,”  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as “MJB/Davie I” was approved by Town Council on  
March 19, 2002.

WHEREAS, said plat was recorded in the public records of Broward County in  
Plat Book 173, Page 32 and Page 33; and

WHEREAS, resolution R-2009-10 was approved by Town Council on January 7,  
2009 amending the restrictive note on the said; and

WHEREAS, the owner desires to revise the restrictive note associated with said  
plat increasing previously approved gross floor areas; and

WHEREAS, Broward County requires that the Town of Davie concur with this  
revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN  
OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of  
the proposed revision to the restrictive note shown on the “MJB/DAVIE I.” The proposed  
revision being specifically described in the exhibits attached thereto.

SECTION 2. Any improvements required to satisfy Transit Oriented  
Concurrency should be located within the Town of Davie on the local road network.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

**PILLAR CONSULTANTS, INC.**

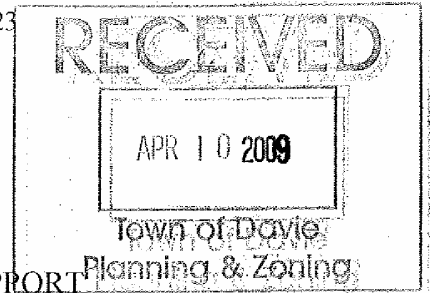
*Consulting Engineers, Planners, Surveyors, Construction Management, General Contracting*

5230 South University Drive – Suite 104

Davie, Florida 33328

Phone (954) 680-6533 Fax (954) 680-0323

April 7, 2009



**JUSTIFICATION STATEMENT IN SUPPORT  
OF REQUESTED PLAT NOTE AMENDMENT  
FOR MJB/DAVIE 1 PLAT, PLAT BOOK 173, PAGE 32,  
BROWARD COUNTY RECORDS**

To whom it may concern:

The subject property, as noted above, lies at the northeast corner of Stirling Road and Southwest 82<sup>nd</sup> Avenue. The existing plat is restricted as follows:

“This plat is restricted to 90,000 square feet of commercial use.”

The property has subsequently been purchased by New Life Assembly of God of Broward County, Inc. Their goal is to construct a house of worship and family center.

The Town of Davie has previously approved a plat note amendment for this plat in resolution R-2009-10. It was amended as follows:

This plat is restricted to 45,000 square feet of church use, 15,000 square feet of daycare/preschool uses, 30,000 square feet of private school use, and a 165,000 square foot ancillary parking garage. Daycare/preschool uses and private school uses are not permitted with the church use.

Subsequent to the change in the plat note, the church leaders have approved an architectural program which exceeds the note amendment as found in resolution R-2009-10. We have also been in consultation with Broward County. Therefore we would like to further amend the restriction note as follows:

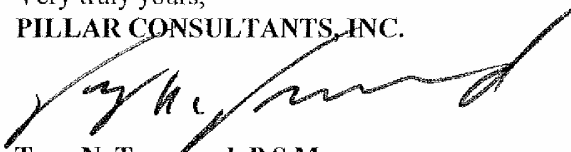
This plat is restricted to 51,000 square feet of church uses, 30,000 square feet of daycare/preschool uses, 61,000 square feet of private school use, and a 200,000 square foot ancillary parking garage. Daycare/preschool uses and private school uses are not

Exhibit (Justification Letter)

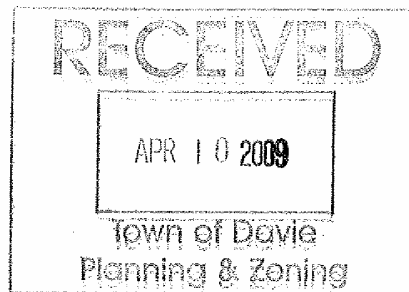
permitted with the church use. Additionally, there will be a 10,000 square foot covered outdoor play area.

The granting of this plat note amendment would only allow buildings to be constructed in conformance with the site plan that is currently in process in the Town of Davie.

Very truly yours,  
**PILLAR CONSULTANTS, INC.**



**Troy N. Townsend, P.S.M.**  
Director of Surveying



CFN # 103369136.

Page 1 of 2

Recorded 10/03/2003 at 10:46 AM

MJB/DAVIE I

A REPLAY OF A PORTION OF TRACTS 61 AND 61A, SECTION 33, TOWNSHIP 30 SOUTH, RANGE 41 EAST, THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97, DADE COUNTY PUBLIC RECORDS.

TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

DESCRIPTION

ALL OF TRACT 61 AND 61A, THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, IS A SUBDIVISION OF THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, IS A SUBDIVISION OF THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS ALSO DESCRIBED AS FOLLOWS: "THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, IS A SUBDIVISION OF THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA."

SURVIVORS CERTIFICATE

THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, IS A SUBDIVISION OF THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

Exhibit (Plat)

**BROWARD COUNTY PLANNING COUNCIL**  
HAS REVIEWED THE BROWARD COUNTY PLANNING COUNCIL APPROVED THE PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**  
COUNTY RECORDS DIVISION - RECORDING SECTION  
THE INSTRUMENT HAS BEEN FILED FOR RECORDING IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**  
COUNTY RECORDS DIVISION - FINANCIAL SECTION  
THE INSTRUMENT HAS BEEN FILED FOR RECORDING IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**  
COUNTY RECORDS DIVISION - ZONING SECTION  
THE INSTRUMENT HAS BEEN FILED FOR RECORDING IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**TOWN PLANNING AND ZONING BOARD**  
HAS REVIEWED THE BROWARD COUNTY PLANNING COUNCIL APPROVED THE PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**CENTRAL BROWARD WATER CONTROL DISTRICT**  
HAS REVIEWED THE BROWARD COUNTY PLANNING COUNCIL APPROVED THE PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**TOWN COUNCIL**  
HAS REVIEWED THE BROWARD COUNTY PLANNING COUNCIL APPROVED THE PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**ACKNOWLEDGEMENT**  
I, THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, DO HEREBY ACKNOWLEDGE THAT THE PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, IS A SUBDIVISION OF THE EVERGLADES SURVEY AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 30 S. R. 41 E., RANGE 41 EAST, DADE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 97 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

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APR 10 2009

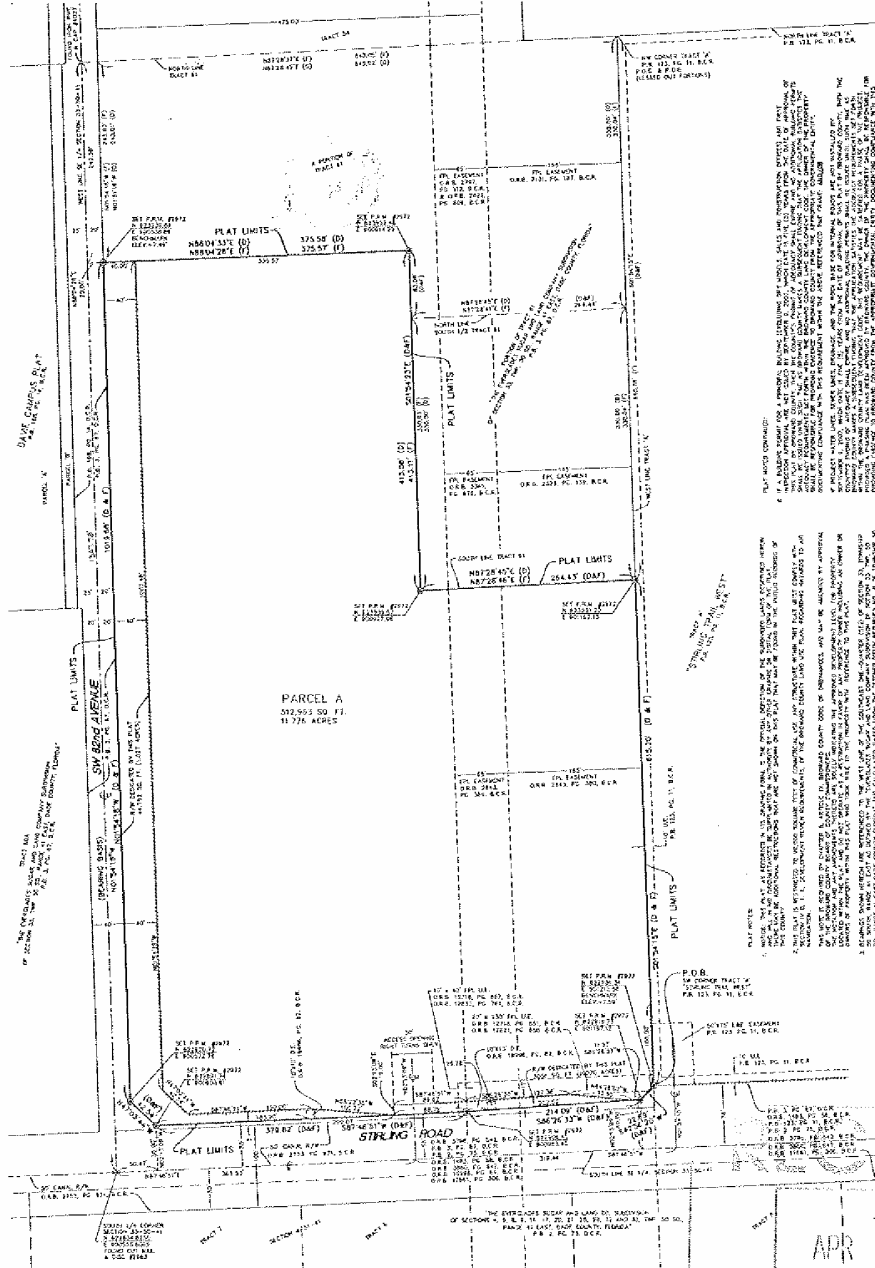
Town of Davie  
Planning & Zoning

10000 S.W. 11th Ave.  
Davie, FL 33317

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A REPLAT OF A PORTION OF TRACTS 61 AND 61A, SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST, THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION OF SECTION 33, TWP. 50 SO., RANGE 41 EAST, DADE COUNTY, FLORIDA", AS RECORDED IN PLAT BOOK 3, PAGE 67, DADE COUNTY PUBLIC RECORDS.

TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

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**WILEY**  
Publishers since 1807

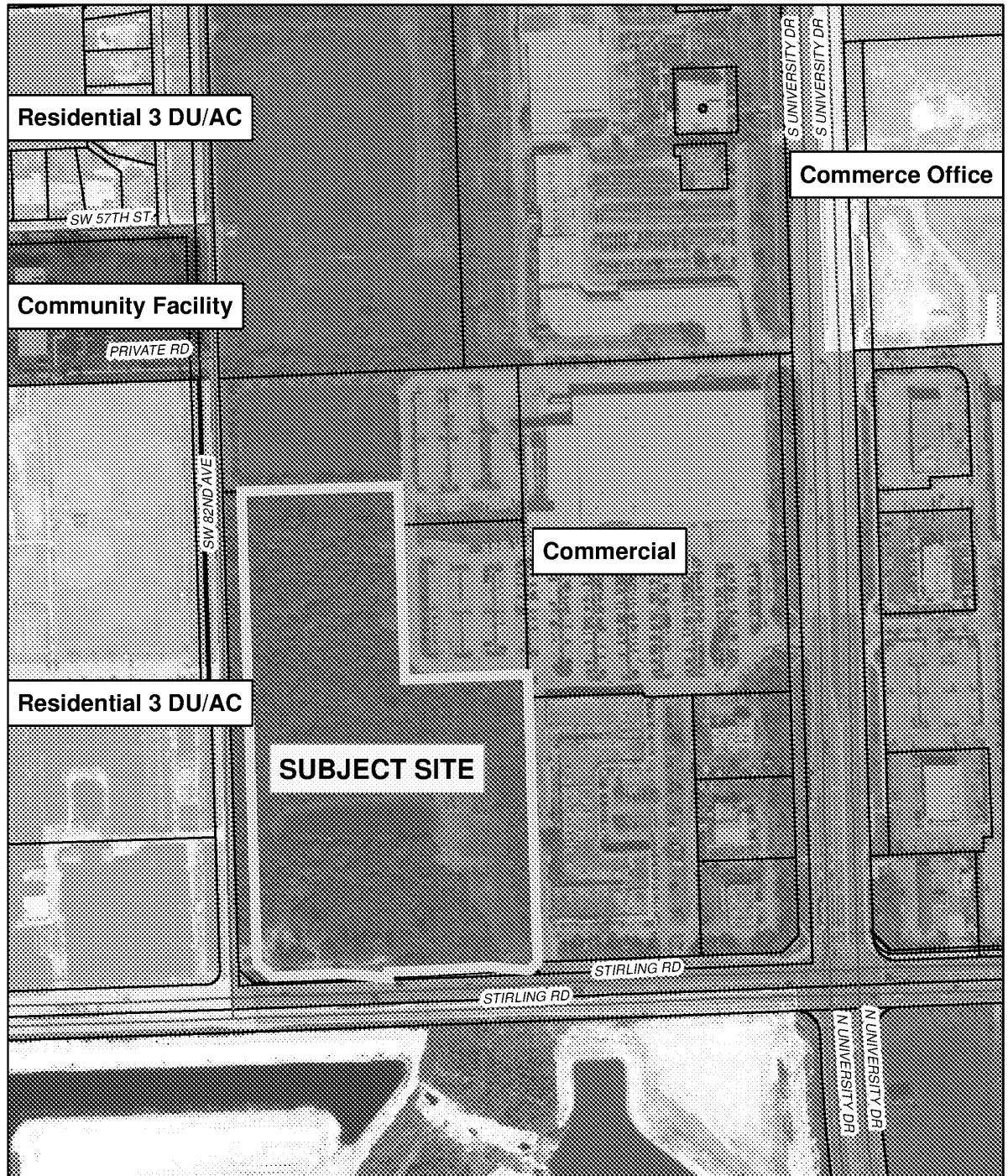
APR 10 2009

# Town of Davie

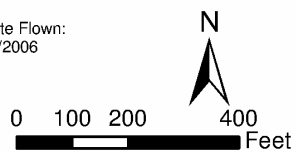
## Planning & Zoning



Exhibit (Future Land Use Map)



Date Flown:  
12/2006

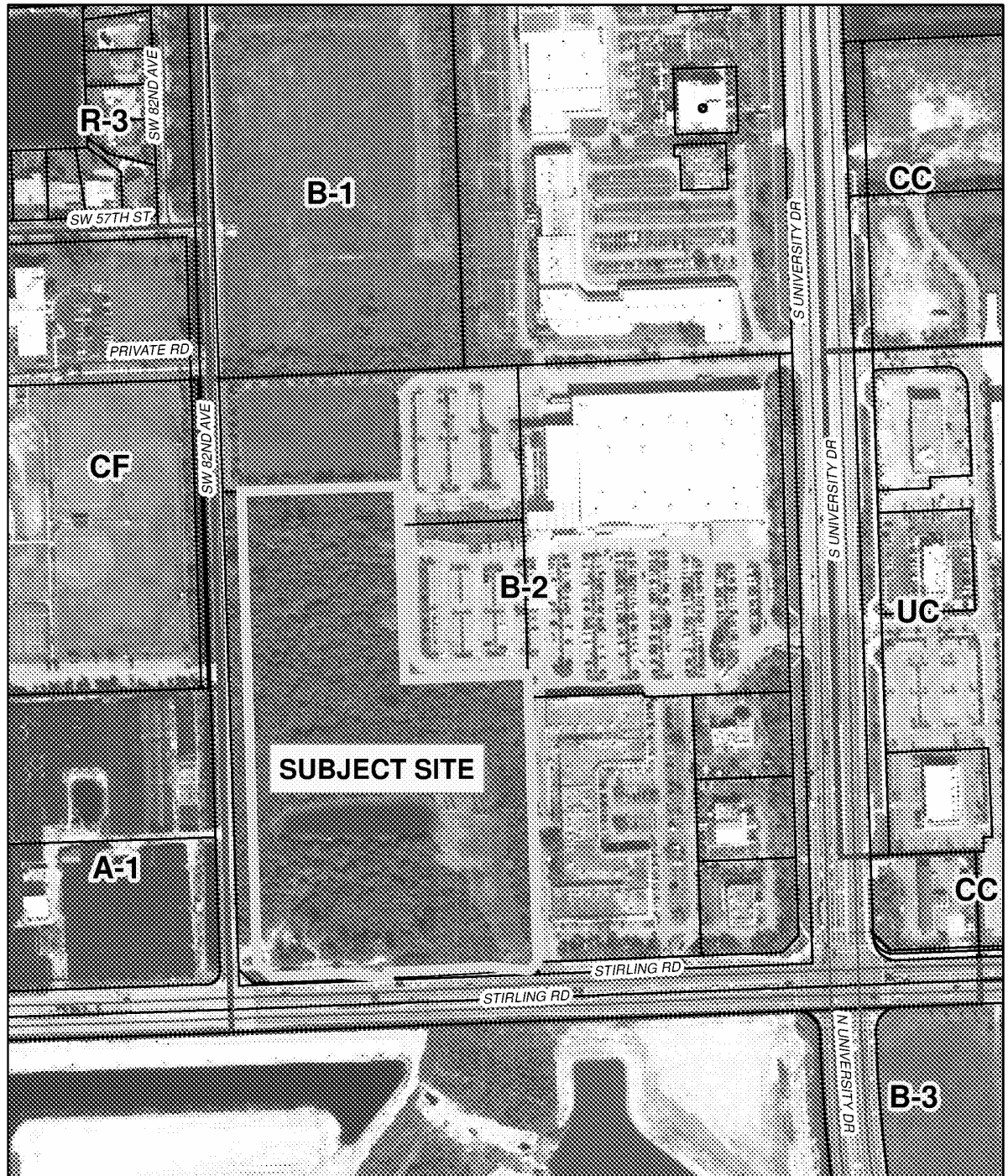


Prepared by the Town of Davie GIS Division

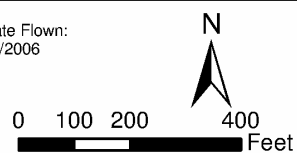
Future Land Use Map

Prepared by: ID  
Date Prepared: 3/10/08

Exhibit (Zoning/Aerial Map)



Date Flown:  
12/2006



Prepared by the Town of Davie GIS Division

### Zoning and Aerial Map

Prepared by: ID  
Date Prepared: 3/10/08